

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 1-30 are pending. Claims 1 and 20 have been amended. No new matter has been added.

Claim 1 has been amended to recite a method for trapping “output streams containing one or more medication data,” and to recite the step of “preparing one or more medications” “using the medication preparation system.” Support for this feature can be found in the Specification at page 7, lines 8-15.

Claim 20 has been amended to correct typographical errors. Additionally, claim 20 has also been amended to clarify that the listening module receives “data streams containing one or more medication data,” and to recite “the data structure enables data handling and preparation of a medication by an automated medication preparation system.” Support for this feature can be found in the Specification at page 12, line 5 - page 13, line 3.

Rejection Under 35 U.S.C. § 103

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,226,745 to Wiederhold et al. (“Wiederhold”) in view of U.S. Patent No. 5,883,370 to Walker et al. (“Walker”).

The Examiner contends that Wiederhold discloses most of the features of the claimed invention. Wiederhold discloses a security mediator system, residing on a network, that intercepts database queries, analyzes them to determine if the messages conform to an information security policy, and either blocks the message, allows the message, or presents the message to a person for authorization. The Examiner acknowledges that Wiederhold does not explicitly teach “releasing only those portions of the output stream that are not suitable, the released output stream being printed for manual handling, yet this is a distinguishing feature of the invention defined by independent claims 14 and 20.” For this feature, the Examiner relies on Walker as *impliedly* disclosing this feature, since, in Walker, “the prescription vial label is printed only if a match has been confirmed,” otherwise the “prescription label is handle[d] manually.” (Detailed Action Item 3, ¶ 2).

Applicants respectfully submit that Wiederhold and Walker, individually or in combination, neither disclose nor suggest a combination of elements to teach or suggest the invention of claims 1 and 20. Independent claim 1 recites the step of “preparing one or more medications . . . using the medication preparation system.” Independent claim 20 similarly recites that “the data structure enables . . . preparation of one or more medications by an automated medication preparation system.” In contrast, the process described in Walker always requires a pharmacist to fill the

prescription by measuring the appropriate amount of medication. The automation disclosed in Walker merely consists of verifying the correct drug was selected by the pharmacist and facilitating the printing of the vial label without redundant data entry. Wiederhold is completely unrelated to the preparation of medications. Thus, neither Walker nor Wiederhold describe a system which results in the production of a medication without the intervention of a pharmacist.

Furthermore, the Examiner's contention that one of ordinary skill in the art would be motivated to modify Wiederhold in view of Walker to reduce manpower is untenable. Both Wiederhold and Walker already provide an automated system. There is no implication or suggestion in Wiederhold of the need to further reduce manpower as suggested by the Examiner. Furthermore, even if there were a motivation to combine the references - - which there is not, the combination would not result in the claimed invention. The proposed combination would, at a minimum, still require a pharmacist to manually produce the medications. Therefore, Applicants respectfully submit that the Examiner has failed to make out a *prima facie* case of obviousness.

With respect to claims 2-19 and 21-30, Applicants respectfully submit that, by virtue of their dependency from claim 1 or 20, these claims are patentable over Wiederhold in view of Walker for at least the same reasons discussed above with respect to claims 1 and 20.

Therefore, Applicants respectfully submit that claims 1-30 are not rendered obvious by the combination of Wiederhold and Walker. Applicants respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

Each and every point raised in the Office Action dated August 32, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-30 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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